

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

Juliane M. Iverson,

Plaintiff,

-vs-

VenuWorks formerly known as Compass
Facilities Management, Inc./Alerus Center
and Camrud Maddock Olson & Larson Ltd.,

Defendants.

Case No. 2:11-cv-17

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Plaintiff's complaint be dismissed without prejudice for lack of subject matter jurisdiction (Doc. #7). Iverson submitted for filing a series of documents that the Court construes as objections to the Report and Recommendation (Doc. #8).

After considering the magistrate judge's Report and Recommendation, conducting a *de novo* review of Iverson's objections, and reviewing the entire file, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, **IT IS HEREBY ORDERED** that Iverson's complaint be dismissed without prejudice for lack of subject matter jurisdiction.

The Court hereby certifies that an appeal from the dismissal of this action may not be taken *in forma pauperis* because such an appeal would be frivolous and cannot be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). Iverson has not alleged any basis for the Court's jurisdiction or any actionable legal theory. A pro se complainant, although granted *in forma pauperis* status, has "no right to prostitute the processes of the court by bringing a frivolous action." Galvan v. Cameron Mut. Ins. Co., 831 F.2d 804, 805 (8th Cir. 1987) (quoting Duhart v. Carlson, 469

F.2d 471, 478 (10th Cir. 1972)). Every pro se litigant has a duty to inquire into whether the claim is worth pursuing further. Id. An otherwise qualified litigant may be denied leave to proceed *in forma pauperis* when the litigant has repeatedly and unsuccessfully filed non-meritorious lawsuits. Douris v. Middletown Twp., 293 Fed.Appx. 130, 132-133 (3d Cir. 2008). The Court finds any appeal taken by Iverson would not be in good faith and, therefore, denies leave to proceed *in forma pauperis*.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 5th day of April, 2011.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court